

REMARKS

This Amendment is being filed in response to the Office Action mailed December 21, 2007, which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

By means of the present amendment, claims 1-20 have been amended for non-statutory reasons, such as beginning the dependent claims with 'The' instead of 'A', changing "characterized in that" to --wherein--, and deleting reference numerals typically used in European practice that are known to not limit the scope of the claims. Such amendments to claims 1-20 were not made in order to address issues of patentability and Applicants respectfully reserve all rights under the Doctrine of Equivalents.

In the Office Action, the Examiner objected to the Abstract for not commencing on a separate sheet. In response, the current Abstract has been deleted and substituted with the enclosed New Abstract which commences on a separate sheet and better conforms to U.S. practice. Further, the specification has been amended to

correct certain informalities.

In the Office Action, claims 10-18 are objected to for multiple dependency. In response, claims 10-18 have been amended to remove the multiple dependency. Accordingly, withdrawal of this objection to claims 10-18 is respectfully requested and examination on the merit is respectfully requested.

In the Office Action, claim 7 is rejected under 35 U.S.C. §112, second paragraph as allegedly indefinite. In response, claim 7 has been amended to remove the alleged informality noted by the Examiner. It is respectfully submitted that the rejection of claim 7 has been overcome and an indication as such is respectfully requested.

In the Office Action, claims 1-3 and 19-20 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 5,627,817 (Rosen) in view of U.S. Patent Application Publication No. 2003/0185143 (Lin). Claims 4-6 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Rosen and Lin in view of U.S. Patent Application Publication No. 2001/0005350 (Kitaura). Claims 7-8 are rejected under 35 U.S.C. §102(b) as allegedly unpatentable over Rosen and Lin in view of U.S. Patent No.

6,511,788 (Yasuda). It is respectfully submitted that claims 1-20 are patentable over Rosen, Lin, Kitaura and Yasuda for at least the following reasons.

As correctly noted by the Examiner on page 4 of the Office Action, Rosen does not teach or suggest that the optical reflection value R_{L1} of the second recording stack L1 meets the following " $0.40 \leq R_{L1} \leq 0.80$." Lin is cited in an attempt to remedy the deficiencies in Rosen.

It is respectfully submitted that Lin is not prior art to the present application. The present application was PCT filed on January 16, 2003 as PCT/IB03/00090, which designates the U.S. and is published in English as WO 03/060895, as well as claims the benefit of a European Patent Application No. EP 02075226.7, filed on January 18, 2002, which is thus the effective filing date of the present application.

As the effective filing date of the present application of January 18, 2002 is before the Lin U.S. filing date of June 6, 2002, Lin is not available as prior art with regard to the present application under 35 U.S.C. §102(e) or 103(a).

Further, it is respectfully submitted that any suggestion in

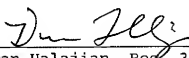
Rosen of a recoding layer being "highly reflective with sufficient absorptivity for recording," as noted on page 4, next to last paragraph of the Office Action, does not teach or suggest that the optical reflection value R_{L1} of the second recording stack L1 meets the following " $0.40 \leq R_{L1} \leq 0.80$," as recited in independent claim 1.

Accordingly, it is respectfully submitted that independent claim 1 should be allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that claims 2-20 should also be allowed at least based on their dependence from amended independent claim 1.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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